

Zoning Ordinance for the City of Indianapolis

Prepared by the City Plan Commission
Passed by the Common Council
Effective December 20, 1922

As Amended to July 6, 1942



Restated by

G. F. ROOKER, Secretary-Engineer

City Plan Commission

and by

Department of Law

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Indianapolis, Indiana



Zoning Ordinance

GENERAL ORDINANCE No. 114, 1922, as amended (exclusive of maps).

AN ORDINANCE dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a Board of Zoning Appeals; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect.

Whereas, the Common Council of the City of Indianapolis, Indiana, deems it necessary, in order to conserve the value of property in the city and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided, and that the public health, safety, comfort, convenience, morals and general welfare may otherwise be promoted in accordance with a well considered plan for the use and development of all property throughout the city, Now Therefore,

Sec. 1. Districts and Zone Map. For the purpose of classifying, regulating, and limiting the height, area and use of buildings hereafter to be erected and of regulating and determining the area of front, rear and side yards and other open spaces about buildings and of regulating and determining the use and intensity of use of land and lot areas and of classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for uses herein specified, the City of Indianapolis, Indiana, is hereby divided into five classes of use districts, termed respectively class U1 or dwelling house districts, class U2 or apartment house districts, class U3 or business districts, class U4 or first industrial districts and class U5 or second industrial districts; and into four classes of height district, termed respectively class H1, H2, H3 and H4; and into nine classes of area districts, termed respectively class AAA, AA, A1, A2, A2(b), A3, A4, A5 and A6; all as shown on the district or zone map, which accompanies this ordinance and is hereby declared to be part hereof, or in any other manner as shown by an ordinance amendatory or supplementary hereof. The use, height, and area districts designated on said zone map are hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be part thereof. No building or premises shall be erected or used except in conformation with the regulations herein prescribed for the use, height and area districts in which such building or premises is located (As amended by G. O. 54, 1942).

Sec. 2. Classification of Uses. For the purpose of this ordinance the various uses of buildings and premises are divided into groups, classes and subdivisions as set forth in the following classification of uses:

GROUP 1—RESIDENCE CLASSES

Class U1 uses: (Dwelling houses)

- (1) Dwelling.
- (2) Church, School, Public Library, Public Museum, Community Center Building, Private Club, excepting a club the chief activity of which is a service customarily carried on as a business, Philanthropic or eleemosynary use of institution other than a penal or correctional institution. Hospital, Sanitarium, Nursing Home, Convalescent Home, and homes for the care of the aged, infirm, blind, and children, other than for the insane or feeble-minded.
- (3) Public Park, Public Playground, Public Recreation Building, Water supply reservoir, well, tower or filter bed.
- (4) Railway passenger station. Railway right-of-way, not including railway yards.
- (5) Farming. Greenhouse, Nursery. Truck Gardening.

Class U2 uses: (Apartment house)

- (1) Apartment house.
 - (2) Hotel.
- (As amended by G. O. 150-1923.)
(As amended by G. O. 79-1939.)

GROUP 2—BUSINESS AND INDUSTRIAL CLASSES

Class U3 uses: (Business)

- (1) Bank. Office, Telephone exchange. Wholesale sales office or sample room. Fire Station.
- (2) Oil and gas filling station. Auto tire and battery service station. Garage or repair shop for motor vehicles. Ice delivery station. Location for the sale, display or manufacture of cemetery markers, tombstones, head stones and monuments.
- (3) Retail trade or shop for custom work or the making of articles to be sold at retail on the premises. Restaurant. Theatre. Moving picture show. Any use not included in any other use, provided that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (4) Billboard or advertising sign. Hand laundry. Tailoring or pressing establishment. Electric substation.
- (5) Storage in bulk, or warehouse for, such materials as building material, contractors' equipment, clothing, cotton, drugs, dry goods, lumber, food, fuel, furniture, hardware, ice machinery, metals, oils and petroleum in quantities less than tank car lots and not exceeding twelve thousand (12,000) gallons, paint and paint materials, pipe, rubber, shop supplies, tobacco, or wool.
- (6) Street car or interurban barn. Motor bus passenger station.
- (7) Motor vehicle parking lot for the purpose of temporary storage of any motor vehicle not used for habitation and not on display for sale, irrespective of whether a fee is charged for such parking.

(As amended by G. O. 92-1928.)

(As amended by G. O. 32-1936.)

(As amended by G. O. 22-1937.)

(As amended by G. O. 79-1939.)

(As amended by G. O. 28-1942.)

Class U4 uses: (First industrial)

- (1) Wholesale produce salesroom. Wholesale produce market.
- (2) Manufacturing or industrial operation of any kind, other than a class U3, U5, or U6 use, where not more than 3 H. P. is employed in the operation of any machine, provided such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (3) Job printing. Newspaper printing.
- (4) Carpet cleaning. Steam laundry. Dry cleaning plant.
- (5) Cold storage plant. Creamery. Bottling works. Milk bottling or central distributing station.
- (6) Grain elevator. Blacksmith, horseshoeing or wagon shop. Stable or wagon shed for more than five horses or wagons. Veterinary hospital.
- (7) Street car repair shop. Freight terminal. Railroad yards. Foundry.
- (8) Manufacturing or industrial operation of any kind other than a class U3, U5, or U6 use or a use included in subdivision 2 above.

(As amended by G. O. 22-1937.)

(As amended by G. O. 92-1928.)

Class U5 uses: (Second industrial)

- (1) Paper manufacture. Plaster manufacture.
- (2) Ammonia, bleaching powder or other chemical plants emitting corrosive or toxic fumes carrying beyond the limits of the premises, other than uses included in class U6. Asphalt manufacture or refining. Coal distillation, including manufacture or derivation of the by-products. Coke ovens. Creosote manufacture or treatment. Gas manufacture from coal or petroleum or the storage thereof. Carbon or lamp black manufacture. Petroleum storage (in quantities greater than tank car lots.) Tar distillation.
- (3) Central station light or power plant.
- (4) Boiler-making. Locomotive manufacture. Railway car manufacture. Railroad roundhouse or shop. Reducing or refining aluminum, copper, tin or zinc. Steel furnace, blooming or rolling mill, power forge. Structural iron or pipe works.

- (5) Storage of live poultry or poultry killing or dressing except for sale at retail on the premises. Soap manufacture. Snuff manufacture.

Class U6 uses: (Prohibited)

- (1) Petroleum refining.
- (2) Cement, lime, gypsum or plaster of Paris manufacture.
- (3) Chlorine or hydrochloric, nitric picric or sulphuric acid manufacture. Smelting of copper, tin, zinc or iron ore.
- (4) Explosives, manufacture or storage.
- (5) Stock yards, Slaughter house. Fat rendering.
- (6) Distillation of bones. Glue manufacture. Fertilizer manufacture. Hair manufacture. Offal or dead animals reduction or dumping. Raw hides or skins storage, curing or tanning.

GROUP 3—SPECIAL CLASSES

Class U7 uses: (Special Permit)

- (1) Aviation Field, Amusement Park.
- (2) Crematory. Cemetery.
- (3) Pest House. Penal or Correctional Institution. Sanitarium or Asylum for the insane or feeble-minded.
- (4) Sewage disposal or treatment plant. Refuse Dump. Garbage disposal plant.
- (5) Open air automobiles sales lots.
- (6) Scrap iron or junk storage. Scrap paper or rag storage or bailing. Automobile wrecking and/or second-hand automobile parts, and tire business.
- (7) Portable Residences. Trailer Camps. Trailer Parks. House Trailers. House cars or camp cars.

(As amended by G. O. 22-1937.)

(As amended by G. O. 39-1939.)

Sec. 3. Dwelling House District. (a) In a class U1 or dwelling house district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than a U1 use.

(b) In a dwelling house district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (2) of Class U1 uses, unless such building is located:

- (1) On a lot already devoted to a use enumerated in said subdivision;
- (2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision;
- (3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or
- (4) On a lot determined by the Board of Zoning Appeals after public notice and hearing to be so located that such building will, in the judgment of the said Board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.

(As amended by G. O. No. 150-1923.)

Sec. 4. Apartment House District. (a) In a class U2 or apartment house district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1 or U2 use.

(b) In an apartment house district no building shall be erected which is arranged, intended or designed for a use enumerated in subdivision (2) of Class U1 uses, unless such building is located:

- (1) On a lot already devoted to a use enumerated in said subdivision;
- (2) On a lot fronting on a portion of a street between two intersecting streets in which portion there exists a building of a kind enumerated in said subdivision;
- (3) On a lot immediately adjoining or immediately opposite on the other side of the street from a business or industrial district; or

- (4) On a lot determined by the Board of Zoning Appeals after public notice and hearing to be so located that such building will, in the judgment of said Board, substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of neighboring property.

(As amended by G. O. No. 150-1923.)

Sec. 5. Accessory Uses in Residence Districts. An accessory use customarily incident to a class U1 or U2 use shall be permitted in, respectively, a class U1 or U2 district. In a dwelling house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2,000 square feet of the lot area. In an apartment house district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 500 square feet of the lot area. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a "for sale" or "for rent" sign, shall, however, be permitted as an accessory use. A store, trade or business shall not be permitted as an accessory use except that the office of a physician, dentist, surgeon, chiropractor, osteopath or naturopath may be located in the dwelling or apartment used by such physician, dentist, surgeon, chiropractor, osteopath or naturopath, as his private residence and except that any person carrying on a customary home occupation, may do so in a dwelling or apartment used by him as his private residence. In a dwelling or apartment occupied as a private residence not more than two rooms may be rented and table board may be furnished only to such occupants. A restaurant or public dining room may be located in a hotel or apartment house as an accessory use. A news stand may be located in a railway passenger station as an accessory use.

(As amended by G. O. 79-1939.)

Sec. 6. Business District. (a) In a class U3 or business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than a Class U1, U2 or U3 use. Provided that in any portion of a business district that is within a class A6 area district any building or premises may be erected or used for any use enumerated in subdivision (1), (2) or (3) of class U4 uses.

(b) In a class U3 or business district no building may be erected, or premises used, which is arranged, intended or designed for a use enumerated in subdivision (2) of class U3 uses, unless such building or use is located:

- (1) On a lot already devoted to a use enumerated in said subdivision (2) or
- (2) On a lot determined by the Board of Zoning Appeals, after public notice and hearing, to be so located that such building or use will, in the judgment of the Board, substantially serve the public welfare, convenience, and safety, and will not substantially or permanently injure the appropriate use of neighboring property.

(c) An accessory use customarily incident to class U3 use shall be permitted in a business district. A class U6 use shall not be permitted as an accessory use.

(As amended by G. O. No. 92, 1928.)

Sec. 7. First Industrial District. (a) In a class U4 or first industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a class U1, U2, U3 or U4 use.

(b) An accessory use customarily incident to a class U4 use shall be permitted in a first industrial district. A class U6 use shall not be permitted as an accessory use.

Sec. 8. Second Industrial District. (a) In a class U5 or second industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than a class U1, U2, U3, U4 or U5 use; provided that the Board of Zoning Appeals may, after public notice and hearing, permit the extension of any use enumerated in subdivision (5) of class U6 uses, existing at the time of the passage of this ordinance, if in the judgment of said Board such extension will not substantially or permanently injure the appropriate use of neighboring property.

(b) A class U6 use shall not be permitted as an accessory use in a second industrial district.

Sec. 9. Prohibited and Special Permit Uses. A class U6 use may not be located within the present limits of the City of Indianapolis. A class U7 use may be located only on special permits as provided in section 23. A class U7 use existing in any use district at the time of the passage of this ordinance shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this ordinance.

Sec. 10. Nonconforming Uses. A nonconforming use existing at the time of the passage of this ordinance may be continued. A nonconforming use shall not be extended except as otherwise authorized by this ordinance; but the extension of a use to any portion of a building which portion was arranged or designed for such nonconforming use at the time of the passage of this ordinance, shall not be deemed the extension of a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost, during any ten-year period, 60 per cent of the assessed value of the building unless the use of said building is changed to a conforming use. A nonconforming use if changed to a conforming use may not thereafter be changed back to a nonconforming use. A nonconforming use shall not be changed unless changed to a higher use. For the purpose of this ordinance a use shall be deemed to be changed if changed from a use included in a subdivision or a use class to a use not included in such subdivision. For the purpose of this ordinance a nonconforming use shall be deemed to be changed to a higher use if the use to which such nonconforming use is changed is a use included in a subdivision of a class that in the arrangement of classes and subdivisions in the classification of uses preceded the subdivision in which such nonconforming use is included.

Sec. 11. Height Districts. (a) In a class H1 district no building shall be erected to a height in excess of 50 feet, providing that back of the street or lot lines any portion of a building may be erected to height in excess of 50 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines.

(b) In a class H2 district no building shall be erected to a height in excess of 80 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 80 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height, and provided further that in a dwelling house or apartment house district such set back shall be from all required front, side and rear yard lines instead of from street and lot lines.

(c) In a class H3 district no building shall be erected to a height in excess of 108 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 108 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height, and provided further that in a dwelling house or apartment house district such setback shall be from all required front, side and rear yard lines instead of from street and lot lines. And provided further that if such building adjoins along its rear line an area within a class H4 district any portion of such building erected back of the street line, may be erected to a height of 150 feet, provided such portion of such building is set back from the line of the street on which such building fronts 1 foot for each 3 feet of such height in excess of 108 feet.

(d) In a class H4 district no building shall be erected to a height in excess of 180 feet, provided that back of the street or lot lines any portion of a building may be erected to a height in excess of 180 feet, provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height. And provided that when a building fronts on a street 100 feet or more in width, the height limit shall be 200 feet instead of 180 feet as above provided. In the case of a corner building such greater height may extend back not to exceed 200 feet along a narrower street.

Sec. 12. Height District Exceptions. (a) The provisions of the preceding section shall not apply to restrict the height of a church spire, flagpole, belfry, clock tower, wireless tower, beacon tower, chimney, water tank, elevator bulkhead or stage tower or scenery loft.

(b) The Board of Zoning Appeals may, after public notice and hearing and subject to such conditions and safeguards as the Board may prescribe to protect the appropriate use of neighboring property, permit the erection of a building or portion of a building covering not more than 25 per cent of the area of the lot to a height in excess of the limits prescribed in the preceding section.

(c) The Board of Zoning Appeals may, after public notice and hearing, permit the erection of an addition to an existing building to the same height as such existing building where such addition is essential to the completion of the existing building as originally planned.

(d) The Board of Zoning Appeals may, after public notice and hearing, permit the extension of a building existing at the time of the passage of this ordinance by the construction of additional stories above the height limit herein provided, provided that such building was actually designed and constructed to carry such additional stories.

(e) The Board of Zoning Appeals may, after public notice and hearing, permit in a first or second industrial district the erection of a grain elevator, gas holder or other industrial building to a height in excess of the limitations prescribed in the preceding section, provided that in the judgment of the said Board such additional height is essential to the normal operation of such industry.

(As amended by G. O. No. 10-1931.)

Sec. 13. Area Districts. (a) In a class AAA district no building shall be erected or altered to accommodate or make provisions for more than one family for each 30,000 square feet of the area of the lot; provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or any numbered lot in a recorded subdivision that is on record in the office of the County Recorder.

(b) In a class AA district no building shall be erected or altered to accommodate or make provision for more than one family for each 15,000 square feet of the area of the lot; provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder.

(c) In a class A1 district no building shall be erected or altered to accommodate or make provision for more than one family for each 7,500 square feet of the area of the lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder.

(d) In a class A2 district no building shall be erected or altered to accommodate or make provision for more than one family for each 4,800 square feet of the area of the lot. Provided that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder.

(e) In a class A2(b) district no building shall be erected or altered to accommodate or make provisions for more than one family for each 3600 square feet of the area of the lot. Provided, that one single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance, or on any numbered lot in a recorded sub-division that is on record in the office of the Recorder of Marion County.

(f) In a class A3 district no building shall be erected or altered to accommodate or make provision for more than one family for each of 2,400 square feet of the area of the lot. Provided that one dwelling for two families may be erected on any lot separately owned at the time of the passage of this ordinance or on any numbered lot in a recorded subdivision that is on record in the office of the County Recorder.

(g) In a class A4 district no building shall be erected or altered to accommodate or make provision for more than one family for each 1,200 square feet of the area of the lot if an interior lot or for each 1,000 square feet if a corner lot.

(h) In a class A5 district no building shall be erected or altered to accommodate or make provision for more than one family for each 600 square feet of the area of the lot if an interior lot or for each 500 square feet if a corner lot.

(i) In a class A6 district there shall be no requirement as to the number of square feet of lot area per family.

(j) In computing such area of the lot for the purpose of this section any part of the area of any corner lot in excess of 30,000 square feet shall be considered an interior lot. In a class AAA, AA, A1, A2, A2(b), A3 or A4 district, in computing the area of a lot for the purpose of this section, if the depth of the lot is more than three times the width of such lot a depth of only three times such width shall be used.

(k) In a class AAA, AA, A1, A2, A2(b), A3 or A4 district for each one foot that the width of the lot exceeds one-third of the depth of the lot, one per cent shall be deducted from the lot area required by this section, but not exceeding a maximum of twenty per cent shall be so deducted.

(l) In computing the area of the lot for the purpose of this section the lot shall be deemed to extend to the center of any alley adjoining the rear line of such lot.

(As amended by G. O. No. 10-1923.)

(As amended by G. O. No. 79-1939.)

(As amended by G. O. No. 28-1942.)

Sec. 14. Zone Map Designations. When definite distances in feet are not shown on the zone map, the district boundaries on the zone map are intended to be along the existing street, alley or property lines or extensions of the same and if the exact location of such line is not clear it shall be determined by the Board of Zoning Appeals, due consideration being given to the location as indicated by the scale of the zone map. Where the streets or alleys on the ground differ from the streets or alleys as shown on the zone map the Board of Zoning Appeals may apply the district designations on the map to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this ordinance. Land or premises within a street, alley or other undesignated area on the zone map shall be governed by the regulations of the use, height and area district adjoining such land or premises and if adjoining by more than one class of use, height or area district each portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

Sec. 15. Side Yards in Residence Districts. In a dwelling house district or an apartment house district, for every building erected, there shall be a side yard along each lot line other than a street line or a rear line. Each dwelling and each apartment house shall be deemed a separate building and shall have side yards as above prescribed, except that in an apartment house district any number of dwellings may be built as a continuous structure and be considered as a single building for the purpose of this section. At least 20 per cent of the width of each interior lot shall be devoted to side yards, provided not more than 16 feet need be so devoted. The least dimension of a side yard shall not be less than 4 feet, provided that in the case of an apartment house or in the case of any building more than two and one-half stories in height, such least dimension shall not be less than one-sixth of the height of the building.

Sec. 16. Rear Yards in Residence Districts. In a dwelling house district or an apartment house district every building erected shall have a rear yard. In a dwelling house district the least dimension of the rear yard shall be at least 15 per cent of the depth of the lot, but such least dimension need not be more than 30 feet. In an apartment house district the least dimension of the rear yard shall be not less than one-half the height of the building. Forty per cent of the area of the rear yard may be occupied by a one-story accessory building not more than 15 feet in height, except that in the rear of a building housing two or more families the distance between the building and the accessory building must be 25 feet on an interior lot or 15 feet on a corner lot. And provided that on a corner

lot the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building shall be erected nearer than 20 feet to any street line or nearer than 10 feet to any apartment house.

Sec. 17. Side and Rear Yard Exceptions. (a) The area requirement in a side or rear yard shall be open from the established grade, or from the natural grade if higher than the established grade, to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except that within 5 feet of the street wall, a cornice may project not over 3 feet into such yard, and provided that if the building is not over two and one-half stories in height, the cornice or eaves may project not more than 2 feet into such yard.

(b) A building and any accessory building erected on the same lot shall for the purpose of side and rear yard requirements, be considered as a single building.

(c) Where a rear yard or side yard in a dwelling house or apartment house district abuts an alley, the yard shall be deemed to extend to the center of such alley.

Sec. 18. Front Yards in Residence Districts. (a) Between a front yard line as here established and the street line no building or portion of a building other than a one-story unenclosed porch or fence or wall not exceeding 3½ feet in height may be erected.

(b) In dwelling house districts and apartment house districts front yard lines are hereby established as follows:

(1) On a street frontage on either side of a street where ten per cent (10%) of such frontage between two intersecting streets, exclusive of the part thereof which is improved with buildings at the street line and exclusive also of the side line of a corner lot, is improved with residence buildings which are set back from the street line, the front yard line shall be the distance back from the street line equal to the average distance of existing residence buildings back from the street line.

(2) On a street frontage on either side of a street between two intersecting streets where the front yard line is not established by the provisions of Subdivision b-1 of this section, the distance of the front yard line back from the street line shall be 33¼% of the average depth of the lots constituting such street frontage, but such distance back from the street line need not be more than seventy-five (75) feet.

(3) The words "existing building" as used in this section shall be taken to mean any building for residence or business for which a building license has been lawfully issued and on which work has been begun and completed up to the first floor line.

(4) The unit for determining the percentage of frontage between two intersecting streets for the purpose of determining the front yard line regulations herein established shall be the lot in a sub-division or addition comprising such frontage or a part thereof, the plat for which has been regularly filed for record in the office of the Recorder of Marion County, Indiana; or, if no such plat has been so filed for record then such unit for frontage shall, for the purpose hereof, be considered to be a parcel of ground one hundred feet (100) in width in the "AAA" district; seventy-five (75) feet in width in the "AA" district; fifty (50) feet in width in the A1 district, and forty (40) feet in width in all other districts whether all of said frontage is owned by one or more persons. Only such lots or parcels as are actually occupied by residence buildings shall be considered as improved frontage in determining the front yard line for any block or part thereof.

(As amended by G. O. 79-1925.)

(As amended by G. O. 20-1926.)

(As amended by G. O. 79-1939.)

Sec. 19. Front Yards in Business Districts. (a) Between the front yard line as herein established, and the street line in business districts, no building or structure or portion thereof may be erected, except an advertising display sign may be attached to the building and may project into the front yard a distance of not more than 60 per cent of the distance from the building line to the property line, but not to exceed six feet.

(b) In business districts, except on either side of a street, between two intersecting streets where fifty (50) per cent of such frontage is improved with existing buildings which are at the street line, front yard lines are hereby established as follows:

(1) On a street frontage on either side of a street between two intersecting streets where fifty (50) per cent of such frontage is improved with buildings which are set back from street line, the front yard line, for such frontage shall be a line back from the street line equal in distance to the average distance which the existing buildings set back from the said street line.

(2) On a street frontage on either side of a street between two intersecting streets, where the front yard line is not established by the provisions of subdivision b-1 of this section, the distance of the front yard line back from the street line shall be ten (10) per cent of the average or normal depth of the lots constituting such street frontage; provided, no front yard line in a business district need be more than fifteen feet back from the street line.

(3) The words "existing building" as used in this section shall be taken to mean any building for residence or business for which a building license has been lawfully issued and on which work has been begun and completed up to the first floor line.

(4) The unit for determining the percentage of frontage between two intersecting streets for the purpose of the front yard line regulations established by this section shall be a lot in a subdivision or addition comprising such frontage or a part thereof, the plat for which has been regularly filed for record in the office of the Recorder of Marion County, Indiana; or if no such plat has been filed for record then such unit for frontage shall, for the purpose hereof, be considered to be a parcel of ground 50 feet in width in the "A1" district or 40 feet in width in all other districts whether all of said frontage is owned by one or more persons. Only such lots or parcels as are actually occupied by existing buildings shall be considered as improved frontage in determining the front yard line for any frontage in a business district.

(As amended by G. O. 79-1925.)

(As amended by G. O. 93-1928.)

Sec. 20. Front Yards Exceptions. Whenever any parcel of land now separately owned and which was so owned prior to the passage of this ordinance is of such restricted area that it cannot be appropriately improved without building beyond the front yard line established by the above sections the Board of Zoning Appeals may on application in a specific case authorize the construction of a building beyond said front yard line to an extent necessary to secure an appropriate improvement of such parcel of land. On a lot adjoining a street frontage along which either no front yard line or a front yard line nearer to the street is provided, the Board of Zoning Appeals may, on application in a specific case, permit a building or a portion thereof to be erected beyond the front yard line herein provided. Whenever the distance of the front yard line back from the street line as established by the alignment of the existing buildings as provided in subdivision (1) of Section 18 is more than 40 feet or more than 20 per cent of the average or normal depth of the lots having their front lines along such street frontage, The Board of Zoning Appeals may, on application, after public notice and hearing, permit the erection of buildings nearer to the street line but not nearer than would be allowed under the rule provided in subdivision (2) of Section 18. Whenever a plat of land subdivision approved by the City Plan Commission is on record in the office of the County Recorder which shows building lines along any frontage for the purpose of creating front yard areas the building lines thus shown shall along such frontage apply in place of any front yard lines herein established.

Sec. 21. Rear Houses. "In a dwelling house district or apartment house district every dwelling or apartment house shall have access to a public street and if located in the rear of other buildings with no immediate street frontage an easement for access shall be provided over an unoccupied strip of land at least sixteen (16) feet in width and such reserve strip may not form a part of any lot area required by this ordinance, except that the said easement for providing access

for two or more building sites in the rear of other buildings, said easement shall be not less than forty (40) feet in width."

(As amended by G. O. No. 10, 1939.)

Sec. 22. Enforcement; Board of Zoning Appeals. This ordinance shall be enforced by the Commissioner of Buildings under the rules and regulations of the Board of Zoning Appeals. The City Plan Commission is hereby constituted a Board of Zoning Appeals for the purpose of this ordinance. The Board of Zoning Appeals shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this ordinance. Any decision of the Commissioner of Buildings made in the enforcement of this ordinance may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the Board of Zoning Appeals shall have the power in a specific case to vary any such provision in harmony with its general purpose and intent so that the public health, safety and general welfare may be secured and substantial justice done.

Sec. 23. District Exceptions. The Board of Zoning Appeals may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purpose and intent as follows:

(1) Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized.

(2) Permit the extension of a nonconforming use or building upon the lot occupied by such use or building at the time of passage of this ordinance.

(3) Permit in a district any use or building deemed by the Board to be in general keeping with and appropriate to the uses or buildings authorized in such district or existing on neighboring property.

(4) Grant in undeveloped sections of the city temporary and conditional permits for not more than two year periods for structure and uses that do not conform to the regulations herein prescribed for the district in which they are to be located.

(5) Permit the location in any use district of a telephone exchange, electric substation or similar public utility, or any use of building for public convenience, safety or welfare, or of a class U7 use, provided such use in such location will, in the judgment of the Board of Zoning Appeals, substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of the neighborhood property.

(6) Permit in a dwelling house or apartment house district the location on any lot, lots or tract, having an area of not less than 5 acres, or bounded on at least three sides by streets not less than 40 feet in width, of any use authorized in a business district, provided such use in such location is so conditioned and restricted as to adequately safeguard the appropriate use of neighborhood property.

(7) Permit the erection of a two-story accessory building covering not to exceed 40 per cent of the required yard area; or

(8) Where a tract of ground consisting of one or more lots within one block, whether separately owned or not, is adjoined on one or more sides by a building or buildings which do not conform to the use or area district regulations of the districts in which such lot is located, permit a modification of such use or area district regulations to the extent deemed necessary to admit of an appropriate improvement on such lot, due regard being given to the avoidance of serious injury to neighboring property.

(As amended by G. O. 10-1923.)

(As amended by G. O. 93-1925.)

Sec. 24. Approval of Development Plat. The owner or owners of any tract of land not less than 20 acres in area may submit to the Board of Zoning Appeals a plan for the use and development of such tract of land primarily for residential purposes and if such development plan is approved after public notice and hearing by the board of Zoning Appeals and by the City Plan Commission the applica-

tion of the use, height, area and yard regulations established herein shall be modified as required by such development plan, providing that for the tract as a whole, excluding street area but including area to be devoted to parks, parkways or other permanent open spaces, there will not be less than the required area per family for the area district in which such tract of land is located for each family which, under such development plan, may be housed on such tract, and provided further, that under such development plan, the appropriate use of property adjacent to the area included in such development plan is fully safeguarded.

Sec. 25. Interpretation. Purpose. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard area required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard area of any other building. The lot or yard areas of buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas for any building hereafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor shall this ordinance interfere with or abrogate or annul any easements, covenants, or other arrangements between parties; provided, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provision of law or ordinance or by such rules or regulations or by such easements, covenants or agreements, the provisions of this ordinance shall control.

Sec. 26. Amendments. The Common Council may from time to time on its own motion or on petition, after public notice and hearing, amend the regulations and districts herein established. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this ordinance with regard to buildings or premises existing or buildings for which permits have been issued at the time of the passage of this ordinance shall apply to buildings or premises existing or buildings for which permits have been issued in such transferred area at the time of the passage of such amendment.

Sec. 27. Completion and Restoration of Existing Buildings. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within ninety days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within one year of the date of such permit, and which entire building shall be completed according to such plans, as filed, within three years from the date of the passage of this ordinance. Nothing in this ordinance shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this ordinance or prevent a change of such existing use under the limitations provided in Section 10. Nothing in this ordinance shall prevent the restoration of a wall declared unsafe by the Commissioner of Buildings.

Sec. 28. Penalty for Violation. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall for each and every violation or noncompliance be guilty of an offense, and upon conviction thereof shall be fined not more than three hundred dollars (\$300.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building, or any premises or part thereof, where anything in violation of this ordinance shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation with

knowledge thereof, shall each be guilty of a separate offense and upon conviction thereof, shall be fined as herein provided. Any building erected, raised, remodeled or converted, or land or premises used in violation of any provision of this ordinance, or of the requirements thereof, is hereby declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now, or may hereafter be abated under existing law. All the provisions of this ordinance or orders of the Board of Zoning Appeals, may be enforced by injunction or other proceedings according to law. (As amended by G. O. 5-1929.)

Sec. 29. Definitions. Certain words in this ordinance are defined for the purpose hereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "Lot" includes the word "plot"; and the word "building" includes the word "structure."

(b) The "street line" is the dividing line between the street and the lot.

(c) The "established grade" is the elevation of the street curb as fixed by the City.

(d) The "natural grade" is the elevation of the undisturbed natural surface of the ground adjoining the building.

(e) The "height of a building" is the vertical distance measured at the center line of its principal front from the established grade or from the natural grade, if higher than the established grade, to the level point in the coping of flat roofs or to the deck line of a mansard roof or the mean height of a hipped roof. Where no roof beams exist or there are structures wholly or partly above the roof the height shall be measured to the level of the highest point of the building.

(f) A "rear" yard is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(g) A "front" yard is an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(h) A "side" yard is an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(i) The "least dimension" of a yard is the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

(j) A "lot" is a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designated to be used in connection with such building.

(k) A "family" is one or more individuals living under one roof as a single household with one head and being related to one another by marriage or consanguinity.

(l) A "dwelling" is a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

(m) An "apartment house" is a building arranged, intended or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises, or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

(n) A "non-conforming use" is one that does not comply with the regulations of the use district in which it is situated.

(o) "Public notice" of a hearing under Section 26 of this ordinance means one insertion in two newspapers of general circulation in the City of Indianapolis at least seven days previous to the time fixed for such hearing of a notice setting out in substance the proposed amendments or changes to be made and stating that objections thereto will be heard and that information concerning such proposed amendments or changes is on file in the office of the City Plan Commission for public examination. In all sections of said ordinance other than Section 26

"public notice" shall be taken to mean one insertion of a notice of the time and place of a hearing or proceeding printed in a newspaper of general circulation in the City of Indianapolis at least seven days prior to the time fixed for said hearing.

(p) An "Accessory" use or building is a use or building customarily incident to and located on the same lot with another use or building.

(As amended by G. O. No. 79-1925.)

(As amended by G. O. No. 26-1942.)

Sec. 30. Invalidity of a Part. The sections, subsections, districts and front yard lines forming a part of or established by this ordinance and the several parts, provisions and regulations thereof, are hereby declared to be independent sections, subsections, districts, front yard lines, parts, provisions and regulations, and the holding of any such section, subsection, district, front yard line, part, provision or regulation thereof to be unconstitutional, void or ineffective for any causes shall not affect nor render invalid any other such section, subsection, district, front yard line, part, provision or regulation thereof.

Sec. 30½. Any person, firm or corporation filing an appeal from any ruling of the commissioner of buildings or any application for a variance as herein provided for, shall first pay to the City Controller a filing fee of Three Dollars and Fifty Cents (\$3.50) for the purpose of paying the cost of giving notice and any other expense incident to the hearing on said appeal or application. (As amended by General Ordinance No. 52, 1933.)

Sec. 31. When Effective. This ordinance shall go into immediate effect upon its passage and publication according to law.

(Effective, December 20, 1922.)

Rules of Procedure

Board of Zoning Appeals of the City of Indianapolis

Adopted March 21, 1932.
As amended to July 6, 1942.



Restated by
G. F. ROOKER, Secretary-Engineer
City Plan Commission

and by

Department of Law
EDWARD H. KNIGHT, Corporation Counsel
ADOLPH G. EMHARDT, JR., Assistant City Attorney

Board of Zoning Appeals of the City of Indianapolis

RULES OF PROCEDURE

ARTICLE I

PUBLIC HEARINGS

1. Regular sessions designated as public hearings of the Board of Zoning Appeals shall be held as determined by the Board on Monday at 3:30 p. m. in the City Hall.
2. Special sessions may be called by the President, or by any two members upon written request to the Secretary-Engineer, who shall notify all members of such meeting by verbal or written notice, provided that the time for any regular or special session may be fixed at any duly called session of the Board.
3. All hearing sessions shall be open to the public.
4. A quorum of the Board of Zoning Appeals shall consist of six (6) or more members.
5. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member on every question, or if absent or failing to vote, indicating such fact, and it shall also keep records of all other official actions.
6. The concurring vote of five (5) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Commissioner of Buildings or to decide in favor of the appellant any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variation therein, provided that when all members are present and voting, six (6) concurring votes shall be required. Such an appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the city. Such an appeal shall be taken within thirty (30) days after the date of the decision of the Commissioner of Buildings.

ARTICLE II

CASES BEFORE THE BOARD

1. Every appeal under the Zoning Ordinance shall be made to the Board on the forms specially provided, and shall include the data required in such forms, so as to supply all the information necessary for a clear understanding and intelligent action by the Board.
2. Any communication purporting to be an appeal or petition shall be regarded as a mere notice of intention to seek relief and shall be of no force or effect until it is made in the form required.
3. Upon receipt of any such communication, the writer shall be supplied with the proper forms for presenting his appeal or petition, and he shall be required to file the proper form and furnish all necessary data within thirty days of the date of the order or decision appealed from.
4. At the public hearing of a case before the Board, the appellant shall first present the facts and argument in support of the case and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other.
5. Every person before the rostrum shall abide by the order and direction of the President. Discourtesy or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the President deems proper.

ARTICLE III THE DOCKET

1. Each case filed in the proper form with the required data, shall be numbered serially, and shall be placed on the docket. The docket numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year and the initial indicating the character of the case.
2. So soon as the case receives a docket number it shall be placed on the docket of the Board, and on the date set for hearing such cases shall come before the Board in the regular order of their consecutive numbers.

ARTICLE IV FINAL DISPOSITION OF CASES

1. The final disposition of any appeal before the Board of Zoning Appeals shall be in the form of an order either reversing or modifying the requirement, order, decision or determination appealed from and granting the appeal, or affirming the order and denying the appeal. The Board may dismiss an appeal for lack of prosecution or for lack of jurisdiction.
2. All decisions of the Board shall be by roll-call vote of the members in their alphabetical order, except that the presiding officer shall vote last. All members present shall vote on every question unless excused from voting by a majority of the members present.
3. No case may be withdrawn by the petitioner after the roll-call vote has been ordered by the President. No case which has been withdrawn by the petitioner shall again be placed on the docket for consideration by the Board within a period of three months from the date of said withdrawal, except upon the motion of a member adopted by the unanimous vote of all members present at a regular meeting thereof.
4. When the petitioner has failed to appear at two consecutive meetings to prosecute his appeal, said appeal may be dismissed for lack of prosecution.
5. Any appellant or a group of three or more remonstrators as hereinafter defined who is adversely affected by a decision of this Board upon an appeal may petition the Board for a rehearing of the appeal. A petition for a rehearing must be filed in the office of this Board within two (2) days after the decision by this Board of such appeal. Upon the granting of any appeal, authority for the issuance of a building permit shall not be given until after the expiration of said period during which a petition for a rehearing may be filed. The Board shall act upon a petition for a rehearing at its next regular meeting and may grant a rehearing upon the affirmative vote of six (6) members of the Board. If a rehearing is granted it shall be held at such time as designated by the Board. Notice by publication shall be given of a rehearing in the same manner as is required for the original hearing upon an appeal, and the cost thereof shall be paid by the party requesting a rehearing at the time of filing of his petition for such rehearing. Whenever the appellant petitions for a rehearing he shall give the same personal notices as is hereinafter provided by Article VII hereof. Whenever a group of remonstrators petitions for a rehearing they shall give the appellant the same type of personal notice as provided by Article VII hereof. A remonstrator for the purpose of this section is a property owner to whom personal notice must be given upon the original appeal as provided by Article VII hereof. If such property owner or owners to whom notice must be given as hereinafter provided by Article VII hereof are less than three in number, then such property owner or owners may petition for a rehearing. Only one rehearing may be granted upon any appeal. All rehearings shall be conducted in the same manner as hearings upon an appeal except as herein otherwise expressly provided.
6. No appeal which has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Board within a period of six (6) months from the date of the decision previously rendered except upon the motion of a member adopted by unanimous vote of all members present at the regular meeting thereof.

7. A thirty days grace period dated from the denial of a petition shall be granted for the purpose of conforming with the Zoning Ordinance if such petition was for the purpose of obtaining a variance for the continuance of a use then in existence at the time of the filing of such petition.

ARTICLE V

OFFICERS

1. Annually at the first regular meeting in February, the Board shall elect one of its members President and one of its members Vice-President. The President shall preside at all meetings, and in his absence or disability the Vice-President shall preside.
2. The President, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at that time.
3. The Secretary-Engineer of the City Plan Commission shall serve as the Secretary-Engineer of the Board of Zoning Appeals. He shall be the custodian of the records and shall conduct all official correspondence. The Secretary-Engineer shall keep an accurate Minute Record of all proceedings of the Board which shall be presented to the Board at the succeeding meeting for approval. When so approved the Minute Record shall be signed by the President and attested by the Secretary-Engineer.

ARTICLE VI

EXPIRATION OF ORDER

1. Any order or variance granted by the Board of Zoning Appeals shall expire:
 - (a) Unless a building permit from the Commissioner of Buildings is obtained within ninety (90) days of the granting of said order or variance by the Board, or
 - (b) Unless all construction of the structure or structures under said building permit is completed within one (1) year of the date of the granting of the order or variance by the Board. Provided, however, that whenever any order or variance is granted by said Board for the operation of an open air automobile sales lot, a license for the same must be applied for within ten (10) days from the granting of such order or variance.
2. The Board in its discretion, upon proper showing in writing, may grant extensions or renewals for periods not to exceed six (6) months.

ARTICLE VII

NOTICE

1. In all cases where this Board may require personal notice to be given to interested parties, except as otherwise provided by law or ordinance, notice in the form prescribed by this Board shall be given by the petitioner by leaving or mailing said notice to the residence, or last known address, of the interested party, or parties, at least five (5) days before the date of hearing in such matter, and the petitioner shall file with this Board before such petition is heard an affidavit in the form prescribed by the Board to the effect that such service of notice as requested has been given. The Secretary-Engineer shall file with the case a copy of such affidavit, together with the names and addresses of the persons so notified. When notice is required under ordinance or law to be given by publication in any newspaper, the Secretary-Engineer shall cause such notice to be published in the form prescribed by this Board, in a newspaper of general circulation in the City of Indianapolis and proof of publication must be made by an affidavit of the publisher attached to a copy of the notice taken from the paper in which it was published and filed with the Secretary-Engineer of the Board. Such affidavit must specify the city, the time when and the paper in which the notice was published.

ARTICLE VIII
GENERAL

1 Inasmuch as the deliberations, opinions and findings of this Board, in all matters which may come before it for action, are similar to that of a court, and the minds of its several members should be unbiased and free to act upon the evidence and arguments submitted at the hearing upon matters pending before said Board, no member of this Board shall hold conversation with any person concerning the merits of any matter pending before it, at any time before final action thereon, except in open meeting of said Board and shall so advise any person attempting to engage him in such conversation. This rule shall not apply to any person connected with this Board in any official capacity.

ARTICLE IX
CONDITIONS OF ORDER

1. In any order or variance granted by the Board of Zoning Appeals for the operation of an open air automobile sales lot or motor vehicle parking lot, it shall be a condition of such order for variance that the surface shall be treated with a dust palliative consisting of oil at the rate of five-tenths gallon per square yard.
2. In any order or variance granted by the Board of Zoning Appeals for the operation of an open air automobile sales lot, it shall be a condition of such order that a fence shall be erected at the property line, which fence shall be subject to the approval of the Secretary-Engineer of the Board of Zoning Appeals.

ARTICLE X
AMENDMENTS

- 1 Amendments to these Rules of Procedure may be made by the Board of Zoning Appeals at any regular meeting upon the affirmative vote of six (6) members. The suspension of any rule of procedure may be ordered at any meeting by unanimous vote of those present.

INDEX TO ZONING ORDINANCE

Section

ACCESSORY BUILDINGS

5	Business as
16	Distance from property line on corner lots
16	Distance from apartment house
6	In business districts
7 (b)	In First Industrial Districts
8	In Second Industrial Districts
5	In residential districts
23	Two Story Buildings
26	AMENDMENTS

AREA

13 (a) (b)	Double on corner lot
13 (i)	Including alley on rear
13	On corner lot limited
5	Per family
5	Private garage
13 (c) (d) (e)	Ratio of width to depth for computing
13 (h)	Reduced on corner lots
13 (f)	Unlimited

BILLBOARDS

5 Not permitted as accessory use

BOARD OF ZONING APPEALS

24	Accepting plats
14	Determining district boundaries
18	Establish front yards—
19	a. Residence
19	b. Business
23	Grant of use to conform with district
23	Grant temporary permits
12	Permit stories above ht. limit
23	Permit any business use
23	Permit change of boundary 50 ft.
12 (c)	Permit erection of addition to height of existing building
23 (b)	Permit excess height
23	Permit extension of nonconforming uses
8 (a)	Permit extension of second industrial uses
12 (e)	Permit industrial buildings in excess of height limit
23	Permit modification where adjoined by nonconforming use
23	Permit public utilities and UT uses
23	Permit two-story accessory buildings
13 (a) (b)	Permit two-way doubles on corner lots
22	Permit variance due to hardship
22	Ruling on all appeals

COMPLETION AND RESTORATION OF BUILDINGS

DISTRICT BOUNDARIES

23	Changed—not exceeding 50 ft.
14	Determined by Board of Appeals

DEFINITIONS

ENFORCEMENT

HEIGHT LIMITS

Additional stories to existing building above height limit	12 (d)
Erection of addition to height of existing buildings	12 (c)
Exceptions	12 (a)
Excess height by Board of Appeals	12 (b)
Industrial buildings in excess of height limit	12 (e)
Ratio of height to street width	11 (d)
Set back for additional height	11

INTERPRETATION

Relative to other laws or agreements	25
--------------------------------------	----

INVALIDITY	30
------------	----

NONCONFORMING USES

Continuance of	10
Changed to conforming uses	10
Extension and reconstruction of	10, 23
Temporary permits for	23

PENALTY	28
---------	----

PLATS

Approval of	24
Front yards established by	20

REAR HOUSES

Easement required	21
-------------------	----

USE

Business	2, 6 (a)
Business, in residential districts	23, 6
Classification of	2
First industrial	2, 6 (a) (7) (a)
Nonconforming	10, 23, 8
Prohibited	9
Special, in U1 districts	2
Special, in U2 districts	3 (b) 4 (b) 2
Second Industrial	2, 8 (a)

YARD REQUIREMENTS

Front, established by plat	20
Front, established nearer than existing property	20
Front, exception for proper improvement	20
Front, in business districts	19
Front, lots of variable depth	18
Front projections not over 3½ ft. high permitted in	18
Front yards—where 50 per cent is improved	18
Front yards—where less than 50 per cent is improved	18
Not diminished	25
Rear yards, maximum and minimum	16
Rear yards, percentage occupied	16
Side yards, maximum and minimum	15
Side and rear, abutting alley	17 (c)
Side, projections permitted in	17 (a)